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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,588	04/03/2001	Mazen Chmaytelli	010042	3724
23696 7590 01/30/2009 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER RAMPURIA, SHARAD K				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 01/30/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

kascanla@qualcomm.com

namn@qualcomm.com

Office Action Summary

Application No.

09/825,588

Applicant(s)

CHMAYTELLI ET AL.

Examiner

SHARAD RAMPURIA

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 6, 9-11, 20-22 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 6, 9-11, 20-22 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 27 is rejected under 35 U.S.C. 101, because of non-statutory as describe following:

Regarding claim 27, it is clearly calls for “computer-readable medium” comprising “program code means”

As best can be support by the specification (§ 0028, 0042 in US 20020142762), “program code” is actually “a software/computer program” which does not fall within any of the enumerated statutory categories because it is an Abstract Idea, *and the invention as claimed does not produce a useful, concrete, and tangible result*. Therefore, claims 21-40 are nonstatutory. (Please see MPEP 2106.01 [R-6]).

Claim Rejections - 35 USC § 112

The following is a quotation of the **second** paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitation "computer-readable medium" in line 1 of the claim 27.
There is insufficient **antecedent** basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 6, 9-11, 20-22, 25-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Criss et al.** (US 6643506) in view of **Isomursu et al.** (US 6370389).

As per claims 4, 25, **Criss** teaches:

A method for a wireless device capable of communicating over a wireless network and having operating software for supporting a computer platform on said wireless device (Col.7; 18-38) capable of executing applications (Abstract, Col.7; 15-51), comprising:

Bootting-up the wireless device (Col.11; 57-65) initializing said wireless device for normal communications over the wireless network (Col.7; 32-40)

Criss doesn't teach specifically, after said bootting-up, remotely receiving a recall command including a unique application identification for a targeted application available for execution on said computer platform of said wireless device; and responsive to said remote recall command, uninstalling said targeted application without requiring end-user interaction, wherein the uninstalling of said targeted application results in the application no longer functioning. However, **Isomursu** teaches in an analogous art, after said bootting-up, remotely receiving a recall command including a unique application identification for a targeted application available for execution on said computer platform of said wireless device; and responsive to said remote recall command, uninstalling said targeted application without requiring end-user interaction, wherein the uninstalling of said targeted application results in the application no longer functioning. (e.g.; Col.10; 27-52, Col.12; 5-10, 22-39) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to after said bootting-up, remotely receiving a recall command including a unique application identification for a targeted application available for execution on said computer platform of said wireless device; and responsive to said remote recall command, uninstalling said targeted application without requiring end-user interaction, wherein the uninstalling of said targeted application results in the

application no longer functioning in order to provide a support for communicating for particular application in the remote device.

As per claim 5, Criss teaches:

The method of claim 4, wherein the recall command comprises an identification of said specific application and an instruction for causing said wireless device to delete said targeted application. (Col.10; 1-19)

As per claims 6, 20, **Criss** teaches all the particulars of the claim except the recall command is sent to the wireless device via a short- message service (SMS) message. However, **Vanttila** teaches in an analogous art, that claims 5, 11, wherein the recall command is sent to the wireless device via a short- message service (SMS) message. (e.g. SMS; Col.13; 4-10)

As per claim 9, Criss teaches:

The method of claim 5 wherein said step of uninstalling comprises; searching a database on said wireless device using said identification to determine an address range corresponding to said specific application and deleting contents of said address range. (Col.7; 32-40)

Claim 10, 26-27 are the server, device, computer-readable medium claims, corresponding to **method** claim 4 respectively, and rejected under the same rational set forth in connection with the rejection of claim 4 respectively, above.

As per claims 11, Criss teaches:

The method of claim 10, wherein each recall command comprises an identification of said specific application and an instruction for causing one of said wireless devices from said subset of wireless devices to delete said specific application. (Col.7; 32-40)

As per claim 21, Criss teaches:

The method of claim 5, wherein each recall command further comprises: a uninstall application, which when executed by a wireless device, deletes said specific application. (Col.7; 32-40)

As per claim 22, Criss teaches:

The method of claim 10, wherein each recall command further comprises:

A uninstall application, which when executed by a wireless device, deletes said specific application. (Col.7; 32-40)

Response to Remarks

Applicant's arguments with respect to claims 4-6, 9-11, 20-22, 25-27, have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617